



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS TX 75202-2733

July 5, 2018

**CERCLA 104(e) INFORMATION REQUEST AND GENERAL NOTICE LETTER**  
**URGENT LEGAL MATTER: PROMPT REPLY REQUESTED**  
**CERTIFIED MAIL, RETURN RECEIPT REQUESTED #7014 0150 0000 2405 6140**

Mr. Robert Compernelle, President  
FMRI, Inc.  
10 Tantalum Place  
Muskogee, Oklahoma 74403

Re: Fansteel Site, Muskogee, Muskogee County, Oklahoma  
CERCLA Section 104(e) Information Request and General Notice Letter

Dear Mr. Compernelle:

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) is responsible for responding to the release or threat of release of hazardous substances, pollutants or contaminants into the environment. EPA has documented that such a release has occurred at the Fansteel metal processing facility, also known as the Muskogee Site, located in Muskogee, Oklahoma ("the Fansteel Site" or "the Site"). This letter is to notify you that Fansteel, Inc. may be responsible under CERCLA for cleanup of the Site or costs EPA has incurred or will incur in cleaning up the Site. The EPA has attached the documents used to support this conclusion as Enclosure 2. This letter also includes an Information Request, which is attached as Enclosure 1. Pursuant to the authority of Section 104 of CERCLA, you are hereby requested to respond to the Information Request.

**Notification of Potential Liability**

EPA has spent, or is considering spending, public funds to investigate and control releases of hazardous substances or potential releases of hazardous substances at the Site. Based on information presently available to EPA, EPA has determined that Fansteel, Inc. may be responsible under CERCLA for cleanup of the Site or costs EPA has incurred or will incur in cleaning up the Site.

Under CERCLA, specifically Sections 106(a) and 107(a), potentially responsible parties (PRPs) may be required to perform cleanup actions to protect the public health, welfare, or the environment. PRPs may also be responsible for costs incurred by EPA in cleaning up the Site. PRPs include current and former owners and operators of a Site, as well as persons who arranged for treatment and/or disposal of any hazardous substances found at the site, and persons who accepted hazardous substances for transport and selected the site to which the hazardous substances were delivered.

Based on the information available to EPA, EPA believes that Fansteel, Inc. may be liable under Section 107(a) of CERCLA with respect to the Fansteel Site as a current owner of the Site.

### Information Request

EPA is currently investigating the source, extent and nature of the release or threatened release of hazardous substances, pollutants or contaminants or hazardous wastes on or about the Site. This investigation requires inquiry into the identification, nature and quantity of materials that have been or are generated, treated, stored, or disposed of at, or transported to the Site and the nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from the Site.

CERCLA Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require you to respond to the attached Information Request. We encourage you to give this matter your full attention, and we request you to respond to this request for information within **thirty (30) days** of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf.

Please provide a written response to Mr. Lance Nixon, Enforcement Officer, at the address included in the Information Request. Please refer to Enclosure 2 for important instructions and definitions and Enclosure 3 for specific questions that require your response to this Information Request.

If you have any questions regarding this letter, contact Mr. Nixon at (214) 665-2203. For legal questions concerning this letter, please have your legal counsel contact Ms. Elizabeth Pletan, at (214) 665-8525. Thank you for your attention to this matter.

Sincerely yours,



Ben Banipal, P.E., Branch Chief  
Technical and Enforcement Branch  
Superfund Division

Enclosures (2)

CC: Mark J. Steger  
James Mahoney

**ENCLOSURE 1**

**FANSTEEL SUPERFUND SITE INFORMATION REQUEST**

## FANSTEEL SUPERFUND SITE INFORMATION REQUEST

If you have any questions concerning the **Fansteel Site** (Site) or this information request letter, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at phone number (214) 665-2203, fax number (214) 665-6660, or via email at [nixon.lance@epa.gov](mailto:nixon.lance@epa.gov). Please mail your response within 30 calendar days of your receipt of this request to the following address:

Mr. Lance Nixon, Enforcement Officer  
Superfund Enforcement Assessment Section (6SF-TE)  
U.S. EPA, Region 6  
1445 Ross Avenue  
Dallas, Texas 75202-2733

If you or your attorney has legal questions that pertain to this information letter request, please contact Ms. Elizabeth Pletan at phone number (214) 665-8525, fax number (214) 665-6460 or via email at [pletan.elizabeth@epa.gov](mailto:pletan.elizabeth@epa.gov). For contact via mail, use the following address:

Ms. Elizabeth Pletan, Attorney  
Office of Regional Counsel (6RC-S)  
U.S. EPA Region 6  
1445 Ross Avenue  
Dallas, Texas 75202-2733

### SITE INFORMATION

The Fansteel Site is a former metals processing plant that extracted tantalum and columbium (aka niobium) from ores and slag. Fansteel, Inc. (Fansteel) operated the plant from 1956 to 1990 and is the current owner of the Site. Since 1990, the activity at the Site has been limited to environmental monitoring, maintenance, and some cleanup of operating areas. The ore and slag contained trace amounts of uranium and thorium, enough to be considered as "source material" by the Nuclear Regulatory Commission (NRC). Fansteel operated under an NRC license that was modified when the facility stopped production (NRC License No. SMB-911). Fansteel filed for Chapter 11 bankruptcy protection in 2002. Under the bankruptcy settlement, Fansteel created a subsidiary, FMRI, as a vehicle to fulfill Fansteel's decommissioning obligations under its NRC license. FMRI is entirely funded by Fansteel.

FMRI has been maintaining the Site and operating groundwater and surface water collection and treatment units, the effluent of which is subject to State of Oklahoma permits. It has also been attempting to remove the waste containing uranium and thorium by shipping it to another company which recovers some of the remaining products and disposes of the rest as hazardous waste. Fansteel again filed for bankruptcy in 2016 and that proceeding is ongoing.

The Site is approximately 110 acres on the west bank of the Arkansas River at River Mile 395. To the west is Oklahoma Route 165. To the south, US Route 62 is the boundary. The Site an administrative building, several buildings that housed various operational units, a groundwater treatment unit, water treatment ponds, closed out ponds or "basins," reopened ponds, a waste impoundment and other smaller buildings. The Site is fenced although the main entrance is not guarded. FMRI is leasing one of the

buildings adjacent to the main entrance to a powder coating company. The company is active and employs 20 or 30 employees. A portion of the property referred to at the Northwest Property has been assessed and released by the NRC as clean. That portion is approximately 35 acres of the 110 acres.

## **INSTRUCTIONS**

1. Answer Every Question Completely. Please provide a separate narrative response to each and every question and subpart of a question set forth in this Information Request. For each question contained in this letter, if information responsive to this information request is not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained.
2. Number Each Answer. Precede each answer with the corresponding number of the question and the subpart to which it responds.
3. Provide the Best Information Available. Provide responses to the best of your ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to the you will be considered non-compliance with this Information Request.
4. Identify Sources of Answer. For each question, identify (see Definitions) all the persons and documents that you relied on in producing your answer.
5. Continuing Obligation to Provide/Correct Information. Pursuant to CERCLA Section 104(e)(2), if additional information or documents responsive to this Request become known or available to you after you respond to this Request, you must supplement your response to EPA.
6. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. § 9604(e)(7)(E) and F, and Section 3007(b) of RCRA, 42 U.S.C. § 6927(b), and 40 C.F.R. § 2.203(b). To prove your claim of confidentiality, each document must separately address the following points:
  - a. The portions of the information alleged to be entitled to confidential treatment;
  - b. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
  - c. measures taken by you to guard against the undesired disclosure of the information to others;
  - d. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
  - e. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
  - f. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp or type "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise non-confidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit both a clean and a redacted version of any documents or response for which you claim confidential in a separate envelope. If you are submitting information which you assert is entitled to treatment as confidential business



information, you may comment on this intended disclosure within fourteen (14) days of receiving this Information Request.

7. All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information, that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by CERCLA Section 104(e). If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by EPA without further notice to you.
8. Disclosure to EPA Contractors. Information which you submit in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 40 C.F.R. 2.310(h), even if you assert that all or part of it is confidential information.
9. Personal Privacy Information. Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on a separate sheet(s), and marked as "Personal Privacy Information."
10. Objections to Questions. Even if you have objections to some or all the questions within the Information Request, you are still required to respond to each of the questions.

## **DEFINITIONS**

The following definitions shall apply to the following words as they appear in the Information Request. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA or the Resource Conservation and Recovery Act ("RCRA"), in which case the statutory or regulatory definitions shall apply.

1. The terms "and" and "or" shall be construed either conjunctively or disjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
2. The term "any" (e.g., as in "any documents"), shall mean "any and all."
3. The term "arrangement" shall mean every separate contract or other agreement between two or more persons, whether written or oral.
4. The term "disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material into or on any land or water, including ground water.
5. The term "document(s)" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings/agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, Photostat or other copy of any documents, microfilm or other film record, photograph, sound recording on any type of device, punch card, disc pack, tape or other type of memory generally associated with computers and data processing (including printouts and the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory), every copy of each document which is not an exact duplicate of a document which is produced, every copy of each document which has any writing on it (including figures, notations, annotations, or the like), drafts of documents,

attachments to or enclosures with any document, and every document referred to in any other document.

6. The term "generator" shall mean persons who arranged for the disposal or treatment of hazardous substances at the Fansteel Superfund Site where the hazardous substances were released.
7. The term "hazardous material" shall mean any hazardous substances, pollutants or contaminants, and hazardous wastes, as defined below.
8. The term "hazardous substance" shall have the same definition as that contained in Subsection 101(14) of CERCLA, 42 U.S.C. Section 9601(14), and includes any mixtures of such hazardous substances with any other substances.
9. The term "hazardous waste" shall have the same definition as that contained in Subsection 1004(5) of RCRA, 42 U.S.C., Section 9603(5), and 40 CFR Part 261.
10. The term "identify" shall mean, with respect to a natural person, to set forth the person's name, present or last known business, present or last known job (including job title and position), and personal addresses and telephone numbers.
11. The term "identify" shall mean, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g., corporation [including state of incorporation], partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist.
12. The term "identify" shall mean, with respect to a document, to provide the type of document. This information includes the document's customary business description, its date, its number (e.g., invoice or purchase order number), if any, subject matter, the identity of the author (including the addressor and the addressee and/or recipient), and the present location of such document.
13. The term "identify" shall mean, with respect to a piece of real property or property interest, to provide the legal description which appears in the county property records office, or in the equivalent office which records real property transactions for the area which includes the real property in question.
14. The term "material(s)" shall mean any and all objects, goods, substances, or matter of any kind including, but not limited to, wastes.
15. The term "operator" shall mean those persons who operate or once operated the place (i.e., Fansteel Site) where hazardous substances were released during the time when the hazardous substances were disposed.
16. The term "owner" shall mean the person who now owns the property where the hazardous substances were released or person(s) who previously owned the property.
17. The term "person" shall have the same definition as in Subsection 101(21) of CERCLA, 42 U.S.C., Section 9601(21), and shall include any individual, firm, unincorporated association, partnership, corporation, trust, consortium, joint venture, commercial entity, United States government, State and political subdivision of a State, municipality, commission, any interstate body, or other entity.
18. The terms "pollutant" or "contaminant," shall have the same definition as that contained in Subsection 101(33) of CERCLA, 42 U.S.C., Section 9601(33), and includes any mixtures of such pollutants and contaminants with any other substances. The term shall include, but not be limited to, any element, substance, compound, or mixture. The term shall also include disease-causing agents which after release into the environment will or may reasonably be anticipated to

cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunction in reproduction), or physical deformations.

19. The term "release" has the same definition as that contained in Subsection 101(22) of CERCLA, 42 U.S.C., Section 9601(22), and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
20. The terms "Site" or "Facility" shall mean and include Fansteel Superfund Site in Muskogee, Muskogee County, Oklahoma.
21. The term "solid waste" shall have the same definition as that contained in Subsection 1004(27) of RCRA, 42 U.S.C., Section 9603(27), and 40 CFR Part 261.
22. The terms "transaction" or "transact" shall mean any sale, transfer, giving, delivery, change in ownership, or change in possession.
23. The term "transporter" shall mean persons who selected the place where the hazardous substances were released as a disposal site and transported the hazardous substances to that place.
24. The term "you" shall mean the addressee of this Request; including the addressee's officers, managers, employees, contractors, trustees, partners, successors, assigns, and agents.

## **QUESTIONS**

1. Identify the current owner and/or operator of the Site. State the dates during which the current owner and/or operator owned, operated or leased any portion of the Site and provide copies of all documents evidencing or relating to such ownership, operation or lease, including but not limited to purchase and sale agreements, deeds, leases, etc.
2. Identify any persons who concurrently with the Owner/Operator exercised or may have exercised actual control or held significant authority to control activities at the Site/facility/plant, such as:
  - a. partners or joint ventures
  - b. any contractor, subcontractor, or licensor with any presence or activity on the Site; (service contractors, remediation contractors, management and operator contractors, licensor providing technical support to licensed activities)
  - c. any person subleasing land, equipment or space on site
  - d. utilities, pipelines, railroads and any other person with activities and/or easements regarding the site
  - e. major financiers and lenders
  - f. any person who exercised actual control over any activities or operations on Site
  - g. any person who held significant authority to control any activities or operations on site
  - h. any person who had a significant presence or who conducted significant activities on site; or
  - i. government entities that had contractual (as opposed to regulatory) interest or involvement with regard to the activity on the Site/facility/plant.
3. Identify any legal or equitable interest that you now have, or previously had in the Site. Include information regarding the nature of such interest; when, how, and from whom such interest was obtained; and when, how, and to whom such interest was conveyed. In addition, submit copies of all instruments evidencing the acquisition or conveyance of such interest.
4. Did you acquire or operate the Site or any portion of the Site after the disposal or placement of hazardous substances on, or at the Site? Describe all of the facts on which you base the answer to the preceding question.



5. At the time you acquired or operated the Site, did you know or have reason to know that any hazardous substance was disposed of on, or at the Site? Describe all investigations of the Site you undertook prior to acquiring the Site and all of the facts on which you base the answer to the preceding question.
6. Identify all other Owners or Operators, including lessors, of the Site. For each such Owner or Operator, further identify:
  - a. The dates of operation;
  - b. The nature of prior operations at the Site;
  - c. All evidence that they controlled access to the Site; and
  - d. All evidence that a hazardous substance, pollutant, or contaminant was released or threatened to be released at or from the Site and/or its solid waste units during the period that they were operating the Site.
7. Describe the nature of your activities or business at the Site, with respect to purchasing, receiving, processing, storing, treating, disposing, or otherwise handling hazardous substances or materials at the Site.
8. Did you ever use, purchase, generate, store, treat, dispose, or otherwise handle at the Site any hazardous substances? If the answer to the preceding question is anything but an unqualified "no," identify:
  - a. In general terms, the nature and quantity of the hazardous substances so transported, used, purchased, generated, stored, treated, disposed, or otherwise handled.
  - b. The chemical composition, characteristics, physical state (e.g., solid, liquid) of each hazardous substance so transported, used, purchased, generated, stored, treated, disposed, or otherwise handled.
  - c. The persons who supplied you with each such hazardous substance.
  - d. How each such hazardous substance was used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you.
  - e. When each such hazardous substance was used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you.
  - f. Where each such hazardous substance was used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you.
  - g. The quantity of each such hazardous substance used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you.
9. Identify all federal, state and local authorities that regulated the Site Owners and Operators and/or that interacted with the Site Operator. Your response is to address all interactions and in particular all contacts from agencies/departments that dealt with health and safety issues and environmental concerns.
10. Describe all occurrences associated with violations, citations, deficiencies, and/or accidents concerning the Site between 1956 and 2016. Provide copies of all documents associated with such an occurrence.
11. Provide a list of all local, state and federal environmental permits ever granted for the Facility or any part thereof (e.g., RCRA permits, NPDES permits, etc.).
12. Did the Facility ever file a Hazardous Waste Activity Notification under the Resource Conservation and Recovery Act (RCRA)? If so, provide a copy of such notification.
13. Did the Facility ever have "interim status" under the Resource Conservation or Recovery Act (RCRA)? If so, and the Facility does not currently have interim status, describe the circumstances under which the Facility lost interim status.
14. Provide information about the Site, including but not limited to the following:
  - a. Property boundaries, including a written legal description;

- b. Location of underground utilities (telephone, electrical, sewer, water main, etc.);
  - c. Surface structures (e.g., buildings, tanks, etc.);
  - d. Groundwater wells, including drilling logs;
  - e. Storm water drainage system, and sanitary sewer system, past and present, including septic tank(s), subsurface disposal field(s), and other underground structures; and where, when and how such systems are emptied;
  - f. Any and all additions, demolitions or changes of any kind on, under or about the Site, its physical structures or to the property itself (e.g., excavation work); and any planned additions, demolitions or other changes to the site; and
  - g. All maps and drawings of the Site in your possession.
15. Provide all reports, information or data related to soil, water (ground and surface), or air quality and geology/hydrogeology at and about the Site. Provide copies of all documents containing such data and information, including both past and current aerial photographs as well as documents containing analysis or interpretation of such data.
16. Describe the acts or omissions of any persons other than your employees, agents or those persons with whom you had a contractual relationship, that may have caused the release or threat of release of hazardous substances at the Site and damages relating therefrom and identify such persons. In addition:
- a. Describe all precautions that you took against foreseeable acts or omissions of any such third parties and the consequences that could foreseeably result from such acts or omissions.
  - b. Describe the care you exercised with respect to the hazardous substances found at the Site.
17. Identify all past and present solid waste management units (e.g., waste piles, landfills, surface impoundments, waste lagoons, waste ponds or pits, tanks, container storage areas, etc.) on the Site. For each such solid waste management unit, provide the following information:
- a. A map showing the unit's boundaries and the location of all known solid waste management units whether currently in operation or not. This map should be drawn to scale, if possible, and clearly indicate the location and size of all past and present units;
  - b. The type of unit (e.g., storage area, landfill, waste pile, etc.), and the dimensions of the unit;
  - c. The dates that the unit was in use;
  - d. The purpose and past usage (e.g., storage, spill containment, etc.);
  - e. The quantity and types of materials (hazardous substances and any other chemicals) located in each unit, and;
  - f. The construction (materials, composition), volume, size, dates of cleaning, and condition of each unit.
  - g. If unit is no longer in use, how was such unit closed and what actions were taken to prevent or address potential or actual releases of waste constituents from the unit.
18. Describe the conditions of the physical plant facility at the Site during the years you owned or operated at the Site. Your response is to include, but should not be limited to, the status of equipment (operating or dormant), general condition of the facility (e.g., leaking pipes, corroded drain or new piping installed), quality of maintenance (e.g., equipment in disrepair or inspected monthly), adherence to procedures (improper handling of chemicals, incomplete/absent policies, quality of supervision) and management of the plant.
19. Identify all leaks, spills, or releases into the environment of any hazardous substances, pollutants, or contaminants that have occurred at or from the Site? In addition, identify:
- a. When such releases occurred;
  - b. How the releases occurred (e.g. when the substances were being stored, delivered by a vendor, transported or transferred (to or from any tanks, drums, barrels, or recovery units), and treated).

- c. The amount of each hazardous substances, pollutants, or contaminants so released;
  - d. Where such releases occurred;
  - e. Any and all activities undertaken in response to each such release or threatened release, including the notification of any agencies or governmental units about the release.
  - f. Any and all investigations of the circumstances, nature, extent or location of each release or threatened release including, the results of any soil, water (ground and surface), or air testing undertaken; and
  - g. All persons with information relating to these releases.
20. Was there ever a spill, leak, release or discharge of hazardous substances into any subsurface disposal system or floor drain inside or under a building at the Site? If the answer to the preceding question is anything but an unqualified "no", identify:
- a. Where the disposal system or floor drains were located;
  - b. When the disposal system or floor drains were installed;
  - c. Whether the disposal system or floor drains were connected to pipes;
  - d. Where such pipes were located and emptied;
  - e. When such pipes were installed;
  - f. How and when such pipes were replaced, or repaired; and
  - g. Whether such pipes ever leaked or in any way released hazardous substances into the environment.
21. Has any contaminated soil ever been excavated or removed from the Site? Unless the answer to the preceding question is anything besides an unequivocal "no", identify:
- a. Amount of soil excavated;
  - b. Location of excavation;
  - c. Manner and place of disposal and/or storage of excavated soil;
  - d. Dates of soil excavation;
  - e. Identity of persons who excavated or removed the soil;
  - f. Reason for soil excavation;
  - g. Whether the excavation or removed soil contained hazardous substances and why the soil contained such substances;
  - h. All analyses or tests and results of analyses of the soil that was removed from the Site;
  - i. All persons, including contractors, with information about (a) through (h) of this request.
22. Provide information and documentation concerning all inspections, evaluations, safety audits, correspondence and any other documents associated with the conditions, practices, and/or procedures at the Site concerning insurance issues.
23. Are you or your consultants planning to perform any investigations of the soil, water (ground or surface), geology, hydrology or air quality on or about the Site? If so, identify:
- a. What the nature and scope of these investigations will be;
  - b. The contractors or other persons that will undertake these investigations;
  - c. The purpose of the investigations;
  - d. The dates when such investigations will take place and be completed; and
  - e. Where on the Site such investigations will take place.
24. Describe the waste generation history of the Site, including all controlled and uncontrolled releases of compounds, reactants, products, waste, and any other substance. In your response list all releases by compound, the amount of release and the circumstances surrounding said release between 1956 and the present.
25. Describe the waste handling and disposal history of the Site, for all facilities and all operations, including but not limited to transportation, shipping and/or receiving, storage, manufacturing, research, quality control, waste containment, and waste disposal facilities, between 1956 and the

present. This description is to include the names, addresses and activities of waste disposal contractors, and copies of all supporting documents (manifests, invoices, contracts, etc.).

26. Describe all instances where the Site accepted waste from any company or person, or where the Site accepted substances which could be considered hazardous and not useful in their present form. Your response is to include the following:
- a description of the waste sent to the Site;
  - the types and quantity of the waste sent to the Site;
  - the name of the person or company who transported the waste to the Site;
  - the name of the person or company who sent the waste to the Site;
  - the names of the person or company who originated the waste sent to the Site;
  - the date(s) such wastes were sent to the Site;
  - the state (i.e., liquid, solid, or gaseous) of the wastes sent to the Site, and the manner in which the wastes were stored or disposed (i.e., drummed or uncontained, placed in lagoons, landfilled, placed in piles, etc.);
  - a description of what the Site would do with the waste once received;
  - the reason which led you to believe that the waste received was indeed waste when received by the Site Operator.
  - the names of all customers who would receive a finished product which was composed of any waste described in this question.
  - a copy of all documents or records related to this response.
27. Describe all instances where the Site accepted substances which could be considered off-spec. "Off-spec" is intended to mean a substance that in its current form is not useful for its intended purpose. Off-spec materials are often experimental products and/or substances which did not live up to expectations; or product and/or substances which did not meet the level of quality required for its intended purpose, i.e. a contaminated batch of solvents. Your response is to include the following:
- a description of the substances sent to the Site;
  - the types and quantity of the substances sent to the Site;
  - the name of the person or company who transported the substances to the Site;
  - the name of the person or company who sent the substances to the Site;
  - the names of the person or company who originated the waste sent to the Site,
  - the date(s) such substances were sent to the Site;
  - the state (i.e., liquid, solid, or gaseous) of the substances sent to the Site, and the manner in which the substances were stored or disposed (i.e., drummed or uncontained, placed in lagoons, landfilled, placed in piles, etc.);
  - a description of what the Site Operator would do with the substances once received;
  - the reason which led you to believe that the substances received were off-spec in the form received by the Site.
  - the names of all customers who would receive a finished product which was composed of any substances described in this question.
  - a copy of all documents or records related to this response.
28. Describe all instances where the Site accepted substances which could be considered not hazardous in their present form. Your response is to include the following:
- a description of the substances sent to the Site;
  - the types and quantity of the substances sent to the Site;
  - the name of the person or company who transported the substances to the Site;
  - the name of the person or company who sent the substances to the Site;
  - the names of the person or company who originated the waste sent to the Site;

U.S. EPA Region 6 Fansteel Superfund Site CERCLA 104(e) Information Request

- f. the date(s) such substances were sent to the Site;
  - g. the state (i.e., liquid, solid, or gaseous) of the substances sent to the Site, and the manner in which the substances were stored or disposed (i.e., drummed or uncontained, placed in lagoons, landfilled, placed in piles, etc.);
  - h. a description of what the Site Operator would do with the substances once received;
  - i. the reason which led you to believe that the substances received were not useful in the form received by the Site Operator.
  - j. the names of all customers who would receive a finished product which was composed of any substances described in this question.
  - k. a copy of all documents or records related to this response.
29. If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide us with the following:
- a. the document retention policy between 1956 and the present.
  - b. a description of how the records were destroyed (burned, trashed, etc.) and the approximate date of destruction.
  - c. a description of the type of information that would have been contained in the documents.
  - d. the name, job title and most current address known by you of the person(s) who would have produced these documents, the person(s) who would have been responsible for the retention of these documents; the person(s) who would have been responsible for the destruction of these documents; and the person(s) who had and/or still may have the originals or copies of these documents.
  - e. the names and most current address of any person(s) who may possess documents relevant to this inquiry.

**ENCLOSURE 2**

**FANSTEEL SUPERFUND SITE SUPPORTING DOCUMENTS**



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STATE OF OKLAHOMA  
COUNTY OF MUSKOGEE ss  
I, DIANNA COPE, County Clerk, of the County and State  
aforesaid, hereby Certify that this is a true and correct  
copy of an instrument filed in the Office of County Clerk  
of Muskogee County  
1-19-1959 Witness my hand  
and Seal this 5-18-2017  
DIANNA COPE, COUNTY CLERK  
By Cyndi Hammond Deputy  
Certified to 1 of 3

LEVINSON BECKER & PEEBLES  
ONE NORTH LA SALLE STREET  
CHICAGO 2

443689

QUIT-CLAIM DEED

BOOK 1104 PAGE 19

KNOW ALL MEN BY THESE PRESENTS

That TANTALUM DEFENSE CORPORATION, a corporation  
duly organized and existing under and by virtue of the laws  
of the State of Delaware, and duly authorized to transact  
business in the State of Oklahoma, for and in consideration  
of Ten Dollars (\$10.00) and other good and valuable consider-  
ations, in hand paid, the receipt of which is hereby acknowledged,  
does hereby quit-claim, grant, bargain, sell and convey unto  
FANSTEEL METALLURGICAL CORPORATION, a corporation duly organ-  
ized and existing under and by virtue of the laws of the  
State of New York, having its principal office in the City  
of North Chicago, County of Lake and State of Illinois, the  
following described real property and premises situate in  
Muskogee County, State of Oklahoma, to-wit:

The East Half of the Southeast Quarter (E $\frac{1}{2}$  of  
SE $\frac{1}{4}$ ) of Section 17; and Lot 6 (NW $\frac{1}{4}$  of SW $\frac{1}{4}$ );  
and the West 48 feet of Lot 7 (SW $\frac{1}{4}$  of SW $\frac{1}{4}$ ) of  
Section 16, all in Township 15 North, Range 19  
East in Muskogee County, Oklahoma;

And the following described real property and  
premises situate in Muskogee County, State of  
Oklahoma, to-wit:

All of Lot 7, Section 16, Township 15 North,  
Range 19 East, Muskogee County, Oklahoma, ex-  
cept the West 48 feet and that part lying South  
of the North Right of Way line of the Public  
Road, containing in all 22 acres, more or less,  
said North Right of Way line being located as  
follows: Beginning at a point 70 feet North  
of and 48 feet East of the Southwest corner of  
said Lot 7, thence Northeasterly on a curve  
with a radius of 465 feet for a distance of  
60 feet (said curve making an angle with a  
North and South line at the point of beginning  
at 66° 45' in the Northeast quadrant); thence  
tangent to the aforesaid curve for a distance  
of 14.7 feet; thence on a curve, to the East  
with a radius of 531 feet for a distance of  
325.5 feet; thence tangent to the aforesaid  
curve for a distance of 450 feet to a point  
150 feet North of the Southeast corner of said  
Lot 7; except easement and grant of record and

State of Oklahoma, Muskogee County  
I hereby certify that this instrument  
was filed for Record in my Office  
AT 0 JAN 19 1959  
and Recorded in Book 1104 Page 19  
J. R. TAYLOR, County Clerk  
By Nelson Clark Deputy

GOVERNMENT  
EXHIBIT  
NRCT

STATE OF OKLAHOMA  
COUNTY OF MUSKOGEE ss

I, DIANNA COPE, County Clerk, of the County and State aforesaid, hereby Certify that this is a true and correct copy of an instrument filed in the Office of County Clerk of Muskogee County.

1-19-1959 Witness my hand  
and Seal this 5-18-2017  
DIANNA COPE, COUNTY CLERK  
By Cyril H. Hannon Deputy  
Certified Public Notary of 3

BOOK 1104 PAGE 20

-2-

Dedication Deed dated January 28, 1958, from Muskogee Industrial Foundation, Incorporated, to State of Oklahoma on the following premises, to-wit:

A strip, piece, or parcel of land lying in part of Lot 7 (SW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 16, Township 15 North, Range 19 East in Muskogee County, Oklahoma, said parcel of land being described by metes and bounds as follows:

Beginning at a point on the centerline of the present U.S. Highway No. 62 a distance of 48 feet East of the West line and 38 feet North of the South line of said Lot 7, thence Northeasterly and Southeasterly along said centerline, a distance of 828 feet to a point on the West bank of the Arkansas River, thence Northerly along said West Bank a distance of 209 feet, thence N 86 $\frac{1}{2}$ ° W. 808 feet to a point 48 feet East of the West line of said Lot 7, thence South on a line parallel to and 48 feet East of said West line a distance of 320 feet to point of beginning.

Containing 3.41 acres, more or less, of new right-of-way, the remaining area included in the above description being right-of-way occupied by the present highway, together with all abutters rights, including all rights to access from the remaining portion of grantors land onto the LIMITED ACCESS HIGHWAY to be constructed on the above described property, including all rights to light, air, or view therefrom,

together with all improvements thereon and appurtenances thereunto belonging.

TO HAVE AND TO HOLD said described premises unto FANSTEEL METALLURGICAL CORPORATION, its successors and assigns forever.

IN WITNESS WHEREOF, said Grantor has caused its corporate seal to be hereto affixed and has caused its name to be signed to these presents by its President and attested by its Secretary this 9<sup>th</sup> day of December, A. D. 1958.

TANTALUM DEFENSE CORPORATION

By Donald H. Heger President

ATTEST

John J. Jernick  
Secretary

STATE OF OKLAHOMA  
COUNTY OF MUSKOGEE  
I, DIANNA COPE, County Clerk, of the County and State  
aforesaid, hereby Certify that this is a true and correct  
copy of an instrument filed in the Office of County Clerk  
of Muskogee County  
1-19-1959, Witness my hand  
and Seal this 5-18-2017  
DIANNA COPE, COUNTY CLERK  
By *Cynthia Thompson* Deputy  
Certified Pg 3 of 3

-3-

STATE OF ILLINOIS }

COUNTY OF LAKE }

SS.

BOOK 1104 PAGE 21

I, *H.B. Fulton*  
a Notary Public in and for said County, in the State afore-  
said, do hereby certify that FRANK M. DRIGGS, personally  
known to me to be the President of Tantalum Defense Cor-  
poration, and JOHN S. JARONIK, personally known to me to  
be the Secretary of said corporation, and personally known  
to me to be the same persons whose names are subscribed to  
the foregoing instrument, appeared before me this day in  
person and severally acknowledged that as such President  
and Secretary, they signed and delivered the said instrument  
as President and Secretary of said corporation, and caused  
the corporate seal of said corporation to be affixed thereto,  
pursuant to authority, given by the Board of Directors of  
said corporation as their free and voluntary act, and as  
the free and voluntary act and deed of said corporation,  
for the uses and purposes therein set forth.

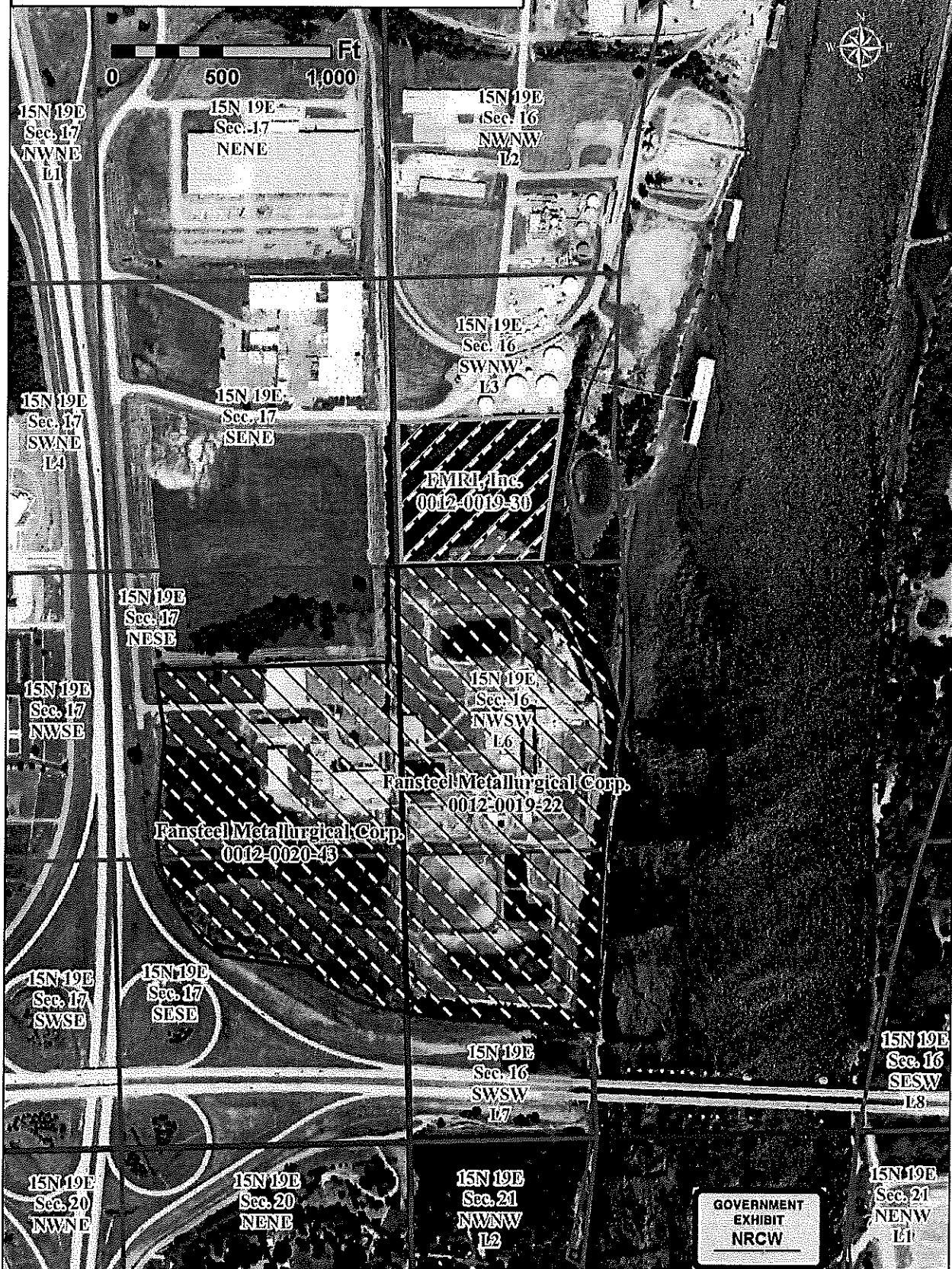
GIVEN under my hand and notarial seal this 9  
day of December, A. D. 1958.



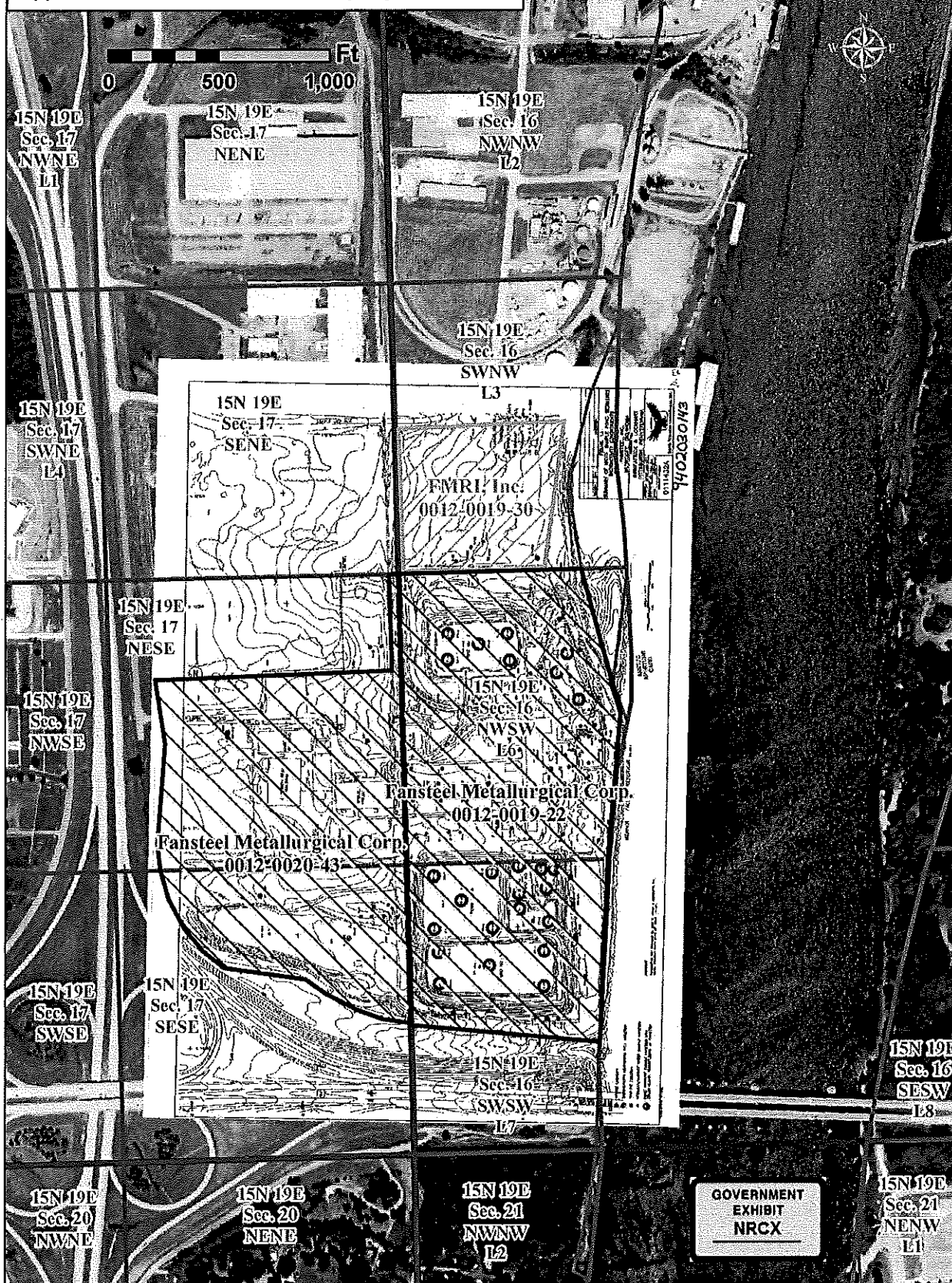
*H.B. Fulton*  
Notary Public

(MY COMMISSION EXPIRES DECEMBER 31, 1960)

Approximate Fansteel & FMRI Property Boundaries



Approximate Fansteel & FMRI Property Boundaries



16-15-19

8

STATE OF OKLAHOMA COUNTY OF MUSKOGEE ss	
I, DIANNA COPE, County Clerk, of the County and State aforesaid, hereby Certify that this is a true and correct copy of an instrument filed in the Office of County Clerk of Muskogee County.	
2-24-2004	Witness my hand
and Seal this 5-22-2017	
DIANNE COPE, COUNTY CLERK	
By Cyndee Hammer	Deputy
Certified By 1	of 42

Return acknowledgment to:

★  
Capitol Services, Inc.  
PO. Box 6300 Albany, NY 12206  
800/662-0171 105583FA

1829 MAIL  
Mail Tax Statement to:  
FMRI, Inc.  
Number Ten Tantalum Place  
Muskogee, Oklahoma 74401



1-2004-989893 Book 3213 Pg: 439  
02/24/2004 2:21 pm Pg 0439-0480  
Fee: \$ 95.00 Doc: \$ 0.00  
Karen Anderson - Muskogee County Clerk  
State of Oklahoma

**SPECIAL WARRANTY DEED**

THAT FANSTEEL INC., a Delaware corporation, formerly known as Fansteel Metallurgical Corporation, a New York corporation, hereinafter "Grantor", party of the first part, in consideration of the sum of ten and no/100's (\$10.00) and other valuable consideration, in hand paid, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto FMRI, Inc., a Delaware corporation, the following described real property and premises situate in Muskogee County, State of Oklahoma, to-wit:

A tract of land located in the Southwest Quarter of the Northwest Quarter (SW/4 NW/4) of Section 16, Township 15 North, Range 19 East, Muskogee County, Oklahoma, more particularly described as follows:

BEGINNING at a point that is N 89°54'22" E a distance of 20.00 feet and N 00°05'43" W a distance of 12.03 feet from the Southwest Corner of the Northwest Quarter of said Section 16; running thence N 00°05'43" W a distance of 647.97 feet; thence N 89°54'22" E a distance of 744.4 feet; thence S 10°35'05" W a distance of 674.67 feet; thence N 88°46'08" W a distance of 649.59 feet to the Point of Beginning.

Property Address: Number Ten Tantalum Place, Muskogee, Oklahoma

together with all the improvements thereon and the appurtenances thereunto belonging, and warrant the title to the same.

TO HAVE AND TO HOLD said described premises unto the said parties of the second part, its successors and assigns, forever free, clear and discharged of and from all former grants, charges, taxes, judgments, mortgages and other liens and encumbrances of whatsoever nature, of any and all persons claiming by, through, or under it, and no other, EXCEPT covenants, conditions, easements, restrictions and mineral conveyances of record.

THIS DEED IS BEING GIVEN IN ACCORDANCE WITH AN ORDER UNDER 11 U.S.C. § 1129(A) AND (B) AND FED. R. BANKR.P. 3020 CONFIRMING, AMENDED JOINT REORGANIZATION PLAN OF FANSTEEL INC. AND SUBSIDIARIES (THE "ORDER"), ENTERED ON NOVEMBER 17, 2003, PURSUANT TO CASE NO. 02-10109, THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE, AUTHORIZING GRANTOR TO, AMONG OTHER THINGS, TRANSFER THE PROPERTY, FREE AND CLEAR OF "CLAIMS AND INTEREST" (AS DEFINED IN THE PLAN) TO GRANTEE AND WITH AN EXEMPTION FROM TAXATION PER SECTION 1146(C) OF THE BANKRUPTCY CODE WHICH ORDER WAS AMENDED ON DECEMBER 23, 2003 A COPY OF THE ORDER (AS AMENDED) IS ATTACHED HERETO AS EXHIBIT A.

[ SIGNATURE PAGE FOLLOWS ]



STATE OF OKLAHOMA  
COUNTY OF MUSKOGEE ss  
I, DIANNA COPE, County Clerk, of the County and State  
aforesaid, hereby Certify that this is a true and correct  
copy of an instrument filed in the Office of County Clerk  
of Muskogee County.  
2-24-04 Witness my hand  
and Seal this 5-22-17  
DIANNA COPE, COUNTY CLERK  
By Cyndi Hammon Deputy  
Certified Pg 2 of 42

1-2004-888883 Book 3213 Pg: 440  
02/24/2004 2:21 pm Pg 0439-0480  
Fee: \$ 95.00 Doc: \$ 0.00  
Keren Anderson - Muskogee County Clerk  
State of Oklahoma

THIS Special Warranty Deed is signed and delivered this 23<sup>rd</sup> day of January, 2004.

FANSTEEL INC.,  
a Delaware corporation

By: [Signature]  
Name: Gary Tessitore  
Title: CEO

STATE OF New York )  
COUNTY OF New York ) ss:

Before me, Lisa J. Zydel in and for said county and State, on this 20<sup>th</sup> day of January, 2004, personally appeared Gary Tessitore, to me know to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its CEO and acknowledged before me that he executed the same as his free and voluntary act and deed, and as the free and voluntary act and deed of such corporation, for the uses and purposes therein set forth.

[Signature]  
NOTARY PUBLIC

My Commission expires:  
April 30, 2007

(Notarial Seal)

LISA J. ZYDEL  
Notary Public, State of New York  
No. 01ZY4748837  
Qualified in Suffolk County  
Commission Expires April 30, 2007 7